

use, to deposit and use of funds obtained by sale of gas, and to an annual report to Congress by Secretary of the Interior on said funds. See section 6 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167d of this title.

§ 165. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(13), 68 Stat. 861

Section, acts Mar. 3, 1925, ch. 426, § 4, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887, related to exportation of helium gas. See section 2778 of Title 22, Foreign Relations and Inter-course.

§ 166. Omitted

Section, acts Mar. 3, 1925, ch. 426, § 5, 43 Stat. 1111; Mar. 3, 1927, ch. 355, 44 Stat. 1388; Sept. 1, 1937, ch. 895, 50 Stat. 887; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized Secretaries of Army and Navy to designate representatives to cooperate with Department of the Interior to effectuate the purposes of this chapter, and gave them the right of access to plants, data, and accounts. See section 7 of act Mar. 3, 1925, as amended by Pub. L. 86-777, which is classified to section 167e of this title.

§ 167. Definitions

As used in this chapter:

(1) The term "Secretary" means the Secretary of the Interior;

(2) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision thereof; and

(3) The terms "helium-bearing natural gas" and "helium-gas mixture" mean, respectively, natural gas and gas mixtures containing three-tenths of 1 per centum or more of helium by volume.

(Mar. 3, 1925, ch. 426, § 2, as added Sept. 13, 1960, Pub. L. 86-777, § 2, 74 Stat. 918.)

PRIOR PROVISIONS

A prior section 2 of act Mar. 3, 1925, authorized Bureau of Mines to produce helium gas and was classified to section 163 of this title, prior to the general amendment of this chapter by Pub. L. 86-777.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 3 of Pub. L. 86-777 provided that: "The amendment made by this Act [enacting this section and sections 167a to 167n of this title] shall become effective on March 1, 1961."

SHORT TITLE OF 1960 AMENDMENT

Section 1 of Pub. L. 86-777 provided that: "This Act [enacting this section, sections 167a to 167n of this title, and provisions set out as notes below] may be cited as the 'Helium Act Amendments of 1960'."

SHORT TITLE

Section 1 of act Mar. 3, 1925, as added by Pub. L. 86-777, § 2, provided that: "This Act [enacting this section, sections 167a to 167n of this title, and provision set out as a note below] may be cited as the 'Helium Act'."

SEPARABILITY

Section 17 of act Mar. 3, 1925, as added by Pub. L. 86-777, § 2, provided that: "If any provision of this Act [enacting this section, sections 167a to 167n of this title, and provisions set out as a note above], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the

application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

§ 167a. Authority of Secretary

(a) Conserving, producing, buying and selling helium

For the purpose of conserving, producing, buying, and selling helium, the Secretary is authorized—

(1) to acquire by purchase, lease, gift, exchange, or eminent domain, lands or interests therein or options thereon, including but not limited to sites, rights-of-way, and oil or gas leases containing obligations to pay rental in advance or damages arising out of the use and operation of such properties; but any such land or interest in lands may be acquired by eminent domain only when the Secretary determines (A) that he is unable to make a satisfactory agreement to acquire such land or interest in land, and (B) that such acquisition by eminent domain is necessary in the national interest;

(2) to make just and reasonable contracts and agreements for the acquisition, processing, transportation, or conservation of helium, helium-bearing natural gas, or helium-gas mixtures upon such terms and conditions, and for such periods, not exceeding twenty-five years, as may be necessary to accomplish the purposes of the chapter, except that the Secretary shall not make such contracts and agreements which shall require payments by the Government in any one fiscal year aggregating more than the amount which shall be established initially in an appropriation Act and which may be increased from time to time in appropriation Acts, or if the Secretary—

(A) determines that the national interests require the conservation of certain helium or require certain helium-bearing natural gas or certain helium-gas mixture for the production or conservation of helium, and

(B) determines that he is unable to acquire such helium, helium-bearing natural gas, or helium-gas mixture upon reasonable terms and at the fair market value,

he is authorized to acquire by eminent domain such helium and so much of such helium-bearing natural gas or helium-gas mixture as is necessarily consumed in the extraction of such helium after removal from its place of deposit in nature and wherever found, or the temporary use of such helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium, together with the appropriate interest in pipelines, equipment, installations, facilities, personal or real property, including reserves, easements or other rights necessary or incident to the acquisition of such helium, natural gas, or mixture, but the condemnation of any such helium, helium-bearing natural gas, or helium-gas mixture, shall be effected in the same manner and following the procedures established in section 167f(a) of this title, the just compensation for such condemnation to be measured by terms and prices determined to be commensurate with the fair market value, and in the temporary use of any he-